

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT NOEL,

Plaintiff,

v.

CARRIE GUERRERO, Detective, et al.,

Defendants.

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Case No. 10-13355

Honorable Patrick J. Duggan

**OPINION AND ORDER**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on July 6, 2011.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

On August 24, 2010, Robert Noel ("Plaintiff") filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983, alleging that detectives assigned to the Bay Area Narcotics Enforcement Team conspired to fabricate stories regarding drug purchases, and these stories led to Plaintiff's arrest, prosecution, and conviction. On November 22, 2010, Defendant City of Saginaw filed a motion to dismiss the claims against it pursuant to Federal Rule of Civil Procedure 12(b)(6). This Court referred the motion to Magistrate Judge Charles E. Binder.

On March 16, 2011, Magistrate Judge Binder filed his Report and Recommendation (R&R), recommending that this Court grant the City of Saginaw's motion to dismiss. At

the conclusion of the R&R, Magistrate Judge Binder advises the parties that they may object and seek review of the R&R within fourteen days of service upon them. R&R 6. He further advises that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” *Id.* (citing *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985); *Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)). No objections to the R&R have been filed.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Binder.

Accordingly,

**IT IS ORDERED** that the City of Saginaw’s Motion to Dismiss is **GRANTED**.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:

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